

JOE WARDY  
MAYOR

JOYCE WILSON  
CITY MANAGER



## **CITY COUNCIL**

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN F. COOK  
DISTRICT NO. 4

VACANT  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

**REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
NOVEMBER 9, 2004  
9:00 A.M.**

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Vivian Rojas and Anthony W. Cobos. Absent: None. Late arrival: Paul J. Escobar arrived at 9:22 a.m. Meeting was called to order at 9:05 a.m. and the invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

**GEOGRAPHIC INFORMATION SYSTEMS  
NATIONAL HOSPICE MONTH  
CENTENNIAL ANNIVERSARY OF SOUTHERN PACIFIC LOCOMOTIVE 3420**

**RECOGNITIONS**

1. Presentation to the El Paso Fire Department of the winner's trophy for the Heroes 3<sup>rd</sup> Annual Charity Softball Tournament held on September 18, 2004. [Walter Phillips]

Mr. Walter Phillips, citizen, commented.

Assistant Fire Chief Manuel Chavirra commented.

2. The recognition of Guadalupe de la O Gillespie for being the first female appointed as the Assistant Special Agent in Charge for Homeland Security. She is a former student at Zavala Elementary and a proud graduate of Jefferson High School. This is a great honor for aspiring women of El Paso.  
[Representative Jose Alexandro Lozano]

Representative Lozano commented.

Ms. Guadalupe de la O Gillespie commented.

No action was taken on the discussion and action on the City of El Paso, Texas Taxi Detail within the Police Department: needs more Inspectors and vehicles so they may be able to do the job necessary to maintain proper surveillance as the taxi's and jitneys working the City of El Paso Texas. [Ishmael P. Estrada]

Mr. Ishmael P. Estrada, El Paso taxi driver, provided copies of a document to the Council Members (on file in the City Clerk's office), commented and answered questions from and responded to comments made by the Council Members.

Ms. Joyce Wilson, City Manager, Assistant Police Chief Paul Cross, and Mr. Daniel Fuentes, Taxi Detail Supervisor, commented.

Mayor Wardy and Representatives Cook and Austin commented.

Motion made by Representative Austin, seconded by Representative Cobos and unanimously carried to recess the City Council Meeting to discuss the Mass Transit Board Meeting at 9:36 a.m.

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to reconvene the City Council Meeting from the Mass Transit Board Meeting at 9:40 a.m.

Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.  
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

\*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve the Minutes for the Regular City Council Meeting of September 21, 2004.

\*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to postpone one (1) week the approval of the Minutes for the Regular City Council Meeting of November 2, 2004.

#### **\*RESOLUTION**

#### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a First Amendment to the Airport Display Agreement by and between the City of El Paso and the Government of the State of Chihuahua-Secretaryship of Commercial and Tourism Development to extend the display of a large back lit map of the State of Chihuahua featuring points of interest and tourism attractions within the area at the El Paso International Airport to August 31, 2006.

#### **\*RESOLUTION**

#### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Lessor's Approval of Assignment between the City of El Paso ("Lessor"), Mesilla Properties I, Ltd. ("Assignor") and Francis Properties I, Ltd. ("Assignee") covering the following described property:

A portion of Lots 1, 2 and 6 and all of Lots 3, 5 and 7,  
Block 2B, El Paso International Airport Tracts, Replat of  
Unit 4 in the City of El Paso, Texas, Containing 162,109.02  
sq. ft. of land more or less, municipally known as 6400  
Airport Road, El Paso, El Paso County, Texas.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Lessor's Approval of Assignment between the City of El Paso ("Lessor"), Mesilla Properties I, Ltd. ("Assignor") and Francis Properties I, Ltd. ("Assignee") covering the following described property:

A portion of Lots 1, 2 and 6, Block 2B, El Paso International Airport Tracts, Replat of Unit 4, City of El Paso, El Paso County, Texas, consisting of 57,511.11 sq. ft. of land more or less, commonly known as 6410 Airport Road, El Paso, El Paso County Texas.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor be authorized to sign a Vehicle Lease Agreement between the City of El Paso ("Lessor") and Cutter Aviation, Inc. ("Lessee") for the lease of one open-air trolley to be used exclusively on the premises leased by Lessee at the El Paso International Airport.

**RESOLUTION**

**WHEREAS**, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolutions dated the 29th day of May and the 24<sup>th</sup> day of July, 2001, after due notice and hearing, ordered RAMON ORONA AND REBECCA MARTINEZ ORONA, record Owner of the hereinafter described property that the Buildings be re-secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to re-secure the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to re-secure the Buildings and clean the premises of all weeds, trash, and debris.

**WHEREAS**, the Director for Building Permitting and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the City Council determines the actual cost of re-securing the Buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 9 through 16, both inclusive, Block 109, Grandview Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 11, Page 60, Plat Records of El Paso County, Texas, municipally known and numbered as 3100 Dyer Street, El Paso, Texas

to be \$451.98, performed by the Street Department of the City of El Paso making a total of \$451.98. The City Council finds that the work was completed on the 22nd day of September, 2004, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of FOUR HUNDRED FIFTY-ONE and 98/XX DOLLARS (\$451.98) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign an Agreement with the Environmental Protection Agency, Region VI (EPA) Document No. A-00615404-0 and related documentation on behalf of the El Paso City-County Health and Environmental District for continued Air Pollution Control Program Support in the City of El Paso. This one (1) year commitment includes a total compensation from EPA in the amount of ONE HUNDRED FORTY-SIX THOUSAND SEVEN HUNDRED EIGHTY-TWO AND 00/100 DOLLARS (\$146,782.00) from the EPA.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign on behalf of the City County Health & Environmental District, the following contract amendment and renewal, and related materials, with the Texas Department of Health:

BNS – Public Health Nutrition  
Document No. 7460007499-2005, Attachment No. 11.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event:	Opening Reception for Left Coast Crime Writers and Fans of Mystery Conference
Licensee:	Dr. Patricia Phillips and Ms. Mary Sarber
Date:	February 24, 2005
Time:	6:00 p.m. - 8:00 p.m.
Area(s):	Special Events Area and Seminar Room
Charge for Space:	\$1,520.00
Charge for Staff (est.):	\$440.00
Charge for Insurance:	\$80.00

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Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan, shall be amended, as recommended by the Civil Service Commission. The class of **Parking Meter Service Worker** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain **3721**. The Grade shall be **GS 15**.

Mr. Martin Rubalcava, citizen, commented.

Mayor Joe Wardy commented.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement, by and between the City of El Paso and the County of El Paso, relating to the County's Teen Court Program and the City's referral of teen violators to the program, pursuant to Article 45.052 of the Texas Code of Criminal Procedure.

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

**THAT** the Mayor be authorized to sign a Consent to Assignment from WEARGUARD CORPORATION to ARAMARK WORK APPAREL AND UNIFORM SERVICES with respect to the City of El Paso's Contract No. 2002-209-C2, Fire Department Duty Uniforms.

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this solid waste management lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
9812 Loya Road	\$ 2,193.15	\$ 108.78	\$ 2,301.93

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this solid waste management lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
136 Rafael Septien Lane	\$ 204.59	\$ 5.52	\$ 210.11

Limas, Richard - Police Sergeant

\*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to award Solicitation No.: 2004-243 Eastside Senior Center Kitchen Upgrade

The Departments of Engineering, Purchasing and Parks and Recreation recommend the award of this contract to NLR Builders, Inc., as this Offeror has provided the Best Value Proposal. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

\*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to award Solicitation No. 2005-019 Furniture For Westside Library Branch

The El Paso Public Library and Purchasing Department recommend award as indicated as this vendor has provided the Best Value Bid. This vendor is also the low responsible and responsive bidder.

It is also requested that the Mayor and Staff be authorized to execute budget transfers as necessary for this award.

\*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to award Solicitation No. 2005-002 Marshall Road Bridge Repairs

Contractor: J.A.R. Concrete, Inc.  
El Paso, Texas  
Department: Street Department  
  
Funds Available: 14200403-PBE04ST116-29131-508027  
Funding Source: 2004 Bond Election  
Items: Base Bid \$78,000.00  
Total Award: \$78,000.00

The Departments of Purchasing, Engineering and Streets, recommend the award of this contract to J.A.R. Concrete, Inc. the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

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\*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to award Solicitation No. 2005-014 Open Space Enhancements, Pollard Veterans Memorial

Contractor: Blair-Hall Co., Inc.  
El Paso, Texas  
Department: Streets  
  
Funds Available: 14200403-PBE04ST124A-29139-508027  
Funding Source: 2004 Bond Election  
Items: Base Bid \$376,000.00  
Total Award: \$376,000.00

The Departments of Purchasing, Engineering, and Streets, recommend the award of this contract to Blair-Hall Co., Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

\*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve budget transfer BT2005-101 LIBRARY

The Library requests a budget transfer under the E-rate fund budget. This budget transfer will allocate the funds received this fiscal year through E-rate reimbursement.

Increase	\$60,657.14	to	53153054/G530401107025/406001	Est State Rev
Increase	\$17,200.00	to	53153054/G530401107025/502107	DataProcServ
Increase	\$ 5,000.00	to	53153054/G530401107025/502229	OffEqMainCnt
Increase	\$38,457.14	to	53153054/G530401107025/508010	DataProcEq

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\*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve budget transfer BT205-114 AIRPORT

Transfer of funds to cover the cost of fencing to set up an additional long term parking lot area to accommodate holiday parking.

Increase	\$21,000	to	62620006/40101/503203	PubicAccess
Increase	\$21,000	to	62620006/40101/407001	Intrfd Trf In
Increase	\$21,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$21,000	to	62620018/P50000241021/507001	Intrfd Trf Out

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\*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve Building Permit refund to Joe Diaz/Food Basket in the amount of \$500.00.

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Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150(Schedule XIV, Speed Limits) of the El Paso Municipal Code, to add a Subsection identifying the Speed Limit as Thirty-Five Miles per Hour on Resler Drive Between Black Ridge Drive and Luz De Camino Way. The Penalty is as Provided In Section 12.84.010 of the El Paso Municipal Code.
- B. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040(Schedule IV- Parking Prohibited During Certain Hours on Certain Streets), Paragraph 12.88.040 (H) No Parking, 7:00 A.M. to 5:00 P.M.) To Revise An Existing Location To read as Follows: Roswell Street, From a Point 257 Feet South of Gateway East Boulevard to a Point 405 Feet South of Gateway East Boulevard, Westside Only. The Penalty As Provided in Section 12.84.010 Of The El Paso Municipal Code.
- C. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88(Schedules), Section 12.88.200(Schedule XVII- Restrictions On Parking In Residential Districts), Of the El Paso Municipal Code, To Add Zone I: No Parking Anytime, On Virginia Street, West Side, Between Schuster Avenue and Cliff Drive. The Penalty Being as Provided in Section 12.84.010 (Violation--Penalty) Of The El Paso Municipal Code.
- D. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII--Restriction On Parking In Residential Districts), Of The El Paso Municipal Code, To Add Zone J: No Parking Anytime, on Crosby Avenue, Both Sides, Between Virginia Street and Ochoa Street. The Penalty Being as Provided in Section 12.84.010 (Violation--Penalty) of The El Paso Municipal Code.



- E. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules) Section 12.88.150 (Schedule XIV, Speed Limits), Of The El Paso Municipal Code, To Amend Subsection "G" To identify the Speed Limit As Forty Miles Per Hour on Resler Drive, From Royal Arms Drive to Black Ridge Drive and From Luz De Camino to Helen Of Troy Drive. The Penalty Is As Provided In Section 12.84.010 Of The El Paso Municipal Code.
- F. An Ordinance amending Title 15 (Public Services), by amending Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses), of the El Paso Municipal Code to allow for banner programs in the Downtown Area or other areas; the penalty being as provided in Section 1.08 of the El Paso Municipal Code.

**PUBLIC HEARING WILL BE HELD ON NOVEMBER 23, 2004 FOR ITEMS A – F**

- G. An Ordinance providing for the issuance and sale of \$15,500,000 City of El Paso, Texas, Water and Sewer Revenue Refunding Bonds, Series 2004-A; approving a purchase contract; approving an official statement; and enacting provisions related thereto.
- H. An Ordinance changing the zoning of Parcel 1: A portion of Tract 1A, Section 39, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from R-3 (Residential) to C-4 (Commercial) and imposing certain conditions; and Parcel 2: A portion of Tract 1A, Section 39, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from R-3 (Residential) to C-2 (Commercial) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Abdolkarim Saadatkah. ZON04-00062
- I. An Ordinance changing the zoning of Parcel 1A: A portion of Tract 12, Section 34, Block 79, Township 2, Texas and Pacific Railroad company surveys, El Paso, El Paso County, Texas from R-5 (Residential) to C-1 (Commercial); Parcel 1B: A portion of Tract 1 and 12, Section 34, and a portion of Tract 1B, Section 39, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from R-5 (Residential) to C-1 (Commercial); Parcel 2: A portion of Tract 1B, Section 39, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from R-5 (Residential) to C-1 (Commercial); Parcel 3: A portion of Tract 12, Section 34, and a portion of Tract 1B, Section 39, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from C-1 (Commercial) to R-5 (Residential); Parcel 4: A portion of Tract 1B, Section 39, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from C-1 (Commercial) to R-5 (Residential); and Parcel 5: A portion of Tract 1 and 12, Section 34, and a portion of Tract 1B, Section 39, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas from R-5 (Residential) to A-2 (Apartment). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Ranchos Real VI, Ltd. ZON04-00095
- J. An Ordinance changing the zoning of Parcel 1: A portion of Tract 7, S.A. & M.G. Railroad Survey No. 265, El Paso, El Paso County, Texas from R-4 (Residential) to C-4 (Commercial); Parcel 2: A portion of Tract 7, S.A. & M.G. Railroad Survey No. 265, and a portion of Tracts 97E and 97E1, S.A. & M.G. Railroad Survey No. 267, El Paso, El Paso County, Texas from P-I (Planned Industrial) to C-3 (Commercial); and Parcel 3: A portion of Tracts 97E and 97E1, S.A. & M.G. Railroad Survey No. 267, El Paso, El Paso County, Texas from P-I (Planned Industrial) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Julio Joint Venture. ZON04-00105

**PUBLIC HEARING WILL BE HELD ON NOVEMBER 30, 2004 FOR ITEMS G – J**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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No action was taken on the discussion and action that the City Council aggressively seeks to remedy the problem caused by the halting of the George Orr Street and Drainage Improvement Project in District 3. City Council needs to direct staff, to include City Manager, Deputy City Manager for Building and Planning Services, Street Director, and City Attorney, to provide all pertinent information in timeline-form and to cause to start up the project continuation within 10 days until fully completed. The halting and delay on this project has caused a great inconvenience, as well as safety problems, to the residents, school children, and through-traffic in this area and must be addressed by the appropriate and responsible City Departments immediately.

Representatives Lozano, Cook, Cobos, and Cushing commented.

Mayor Joe Wardy commented.

Ms. Joyce Wilson, City Manager, Ms. Lisa Elizondo, City Attorney, Ms. Patricia Adauto, Deputy City Manager for Building and Planning Services, Mr. Byron Johnson, Director of Purchasing, and Ms. Terri Cullen-Garney, Deputy City Attorney, commented.

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\*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to postpone one (1) week the discussion and action on approval of a Memorandum of Understanding to be submitted to the United States Bankruptcy Court in the Chapter 7 case of Cumbre Development Corp., Case No. 02-32345, in support of Trustee's Motion to Sell Property Free and Clear of Liens Pursuant to 11 U.S.C. Sec. 363 to First National Bank.

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**RESOLUTION**

**A RESOLUTION AUTHORIZING THE GENERAL MANAGER OF THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD (PSB), ON BEHALF OF THE CITY AND PSB, TO SUBMIT TO THE TEXAS WATER DEVELOPMENT BOARD (TWDB) AN APPLICATION FOR FINANCIAL ASSISTANCE THROUGH THE CLEAN WATER ACT STATE REVOLVING FUND TO PROVIDE FOR THE PURCHASE OF \$10,000,000.00 OF CITY OF EL PASO WATER AND SEWER REVENUE BONDS FOR THE NEXT PHASE OF THE EAST SIDE WASTEWATER COLLECTOR SYSTEM. THIS RESOLUTION ALSO AUTHORIZES THE MAYOR TO SIGN ANY AND ALL NECESSARY DOCUMENTS TO ACCOMPLISH THE APPLICATION.**

**WHEREAS**, the El Paso Water Utilities has planned for a comprehensive wastewater infrastructure system to meet existing customer demands and to handle projected growth in east El Paso; and

**WHEREAS**, the design and construction of this infrastructure will be in phases starting in calendar year 2000 and ending in calendar year 2010 with a total estimated cost of \$38 million; and

**WHEREAS**, the Texas Water Development Board (TWDB) has established a financial assistance program to assist in the construction of wastewater treatment facilities and related projects; and

**WHEREAS**, the Public Service Board (PSB) finds that it is in the best interest of its water and sewer customers to submit an application to the TWDB for financial assistance to complete this project; and

**WHEREAS**, the PSB, by Resolution dated October 27, 2004, authorized the General Manager of the PSB to submit an application to the TWDB through the Clean Water Act State Revolving Fund (CWSRF) to purchase \$10,000,000 of City of El Paso Water and Sewer Revenue Bonds to fund the next phase of the East Side Wastewater Collector System; and

**WHEREAS**, the PSB, also by Resolution dated October 27, 2004, requested the City Council of the City of El Paso to pass all necessary resolutions approving and authorizing the filing of the application with the TWDB for the CWSRF funding; and

**WHEREAS**, the City Council finds that it is in the best interest of the citizens of El Paso for the East Side Wastewater Collector System to be constructed through CWSRF funding; NOW THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

The General Manager of the El Paso Water Utilities Public Service Board (PSB) is hereby authorized to submit, on behalf of the PSB and the City of El Paso, an application with the Texas Water Development Board (TWDB) for financial assistance through the TWDB Clean Water State Revolving Fund (CWSRF) to purchase \$10,000,000.00 of City of El Paso Water and Sewer Revenue Bonds to fund the next phase of the East Side Wastewater Collector System.

The Mayor is also authorized to sign any and all documents required to further the application the subject of this Resolution.

Mr. Ed Archuleta, General Manager El Paso Water Utilities and Public Service Board, commented.

Representative Rojas commented.

Motion made by Representative Rojas, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to approve budget transfer BT2005-132 POLICE

To appropriate the FY05 confiscated funds budget.

Increase	\$532,522	to	21150060/P50023216411/405065	MisNOpnRev
Increase	\$ 12,000	to	21150060/P50023216411/502116	PromoSvcs
Increase	\$150,000	to	21150060/P50023216411/503109	Ammunitions
Increase	\$131,422	to	21150060/P50023216411/504406	OtherSvcs
Increase	\$139,100	to	21150060/P50023216411/508006	VehicularEq
Increase	\$ 58,000	to	21150060/P50023216411/503122	MaintSup
Increase	\$ 42,000	to	21150060/P50023216411/508010	Data Proc

\*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to postpone four (4) weeks the public hearing to determine if the property located at 11661 Norman Montion Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated February 25<sup>th</sup>, 2004. The owner of record as of March 23<sup>rd</sup>, 2004, Ida M. Poole, 11661 Norman Montion Drive, El Paso, Texas 79936, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

Motion made by Representative Lozano, seconded by Representative Cushing and carried to postpone three (3) weeks the public hearing to determine if the property located at 7204½ North Loop Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated June 16<sup>th</sup>, 2004. The owner of this property, Jose M. Escobar, 7221 North Loop Drive, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

AYES: Representatives Cushing, Lozano, Escobar, Rojas and Cobos  
NAYS: Representatives Austin and Cook

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and read the Department's recommendations into the record.

Representative Lozano commented.

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RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structure located on the property at 3612 Fillmore Avenue in El Paso, Texas, which property is more particularly described as follows:

Lots: 26 and 27, Block 91, Amended Map of Morningside Heights Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 11, Page 33, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Celia G. Salas, 1375 Golden Trail Lane, El Paso, Texas 79936, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on November 9<sup>th</sup>, 2004; and

WHEREAS, Celia G. Salas and Patrick Reyes, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
  - d. We find that the structure can be repaired; and
2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the expired permits be reactivated and the structure be reconstructed to comply with the current technical codes by March 31<sup>st</sup>, 2005; and

- b. That if the structure is not reconstructed within the required time, that the structure be demolished and the property cleaned of all weeds, trash and debris.
  - c. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - d. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with the demolition of the Building and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the demolitions of the Building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within thirty (30) days after notice of this Resolution. The findings shall become final after thirty (30) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and read the Department's recommendations into the record.

Representatives Cook, Rojas, Cushing, and Escobar commented.

The following individuals spoke in opposition:

1. Mr. Pat Reyes, property owner; and
2. Ms. Celia Salas, citizen.

Mr. Jorge Almada, President of the Central Neighborhood Association, commented.

The City Clerk called for further public comment. There was no further public comment.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to approve the above Resolution.

.....  
RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structures located on the property at 3906 and 3908 Lincoln Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lots: 19 through 26, inclusive, Block 109, Morningside Heights Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 11, Page 33, Plat Records of El Paso County, Texas

are dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Francisco J. Valenzuela, 2300 Red Bluff Road, El Paso, Texas 79930, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on November 9<sup>th</sup>, 2004; and

WHEREAS, Francisco J. Valenzuela, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure is not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and
  - b. The structure's certificate of occupancy is hereby revoked; and

2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the owner supply an engineer's report assessing the structural elements of the Buildings and his recommendations for correcting any deficiencies noted; and
  - b. That the owner supply all reports, plans and drawings required to obtain permits for the reconstruction of the structures to meet the minimal standards of the housing code; and
  - c. That the owner be given 30 days to obtain the required permits and 90 days to repair the Buildings referred to as 3906 and 3908 Lincoln. These can be done concurrently or one after another as finances require; and
  - d. That the premises be cleaned of all weeds, trash and debris and secured from unwanted entry within 30 days and maintained clean and secure during the course of the reconstruction; and
  - e. That if the Buildings are not reconstructed within the time limits given, that they are condemned as unfit for habitation and a hazard to the public health, safety and welfare and that they be demolished and the lot cleaned of all debris resulting from the demolition within 30 days; and
  - f. That the owner of said buildings is hereby ordered to comply with all requirements of the Resolution; and
  - g. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the housing codes.
  - h. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Buildings and maintain the Buildings secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the Buildings and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the Buildings and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with demolishing the Buildings and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and

7. That upon failure of the Owner, any mortgagees or lienholders to restore the Buildings so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within thirty (30) days after notice of this Resolution. The findings shall become final after thirty (30) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and read the Department's recommendations into the record.

Mr. Francisco J. Valenzuela, property owner, commented.

Representative Cushing commented.

The City Clerk called for further public comment. There was no further public comment.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

NOTE: There are no delinquent taxes.

.....  
**ORDINANCE 15932**

The City Clerk read an Ordinance entitled: **AN ORDINANCE RESCINDING ORDINANCE 15628 AND REPLACING WITH A SPECIAL PRIVILEGE TO HCA HEALTH SCIENCE OF TEXAS, INC. DBA LAS PALMAS MEDICAL CENTER PERMITTING THE ENCROACHMENTS ONTO PUBLIC RIGHTS-OF-WAY WITH TWO (2) SUBSURFACE CHILLER WATER LINES, ONE (1) SUBSURFACE CONCRETE ELECTRICAL DUCT BANK, ONE (1) SUBSURFACE FIRE LINE, ONE (1) STAFF/PATIENT SKY BRIDGE WHICH WILL INCLUDE CABLE AND CONDUIT, FOUR (4) EMERGENCY FIRE DOORS, AND ONE (1) METAL AWNING ALONG OREGON STREET AND RIM ROAD.**

Mr. Raymond Bonilla, Building Permits & Inspections, and Mr. Matt Watson, Assistant City Attorney, commented.

Representative Austin commented.

The City Clerk called for public comment. There was no public comment.



Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Rojas and Cobos  
NAYS: None Absent: None

Representative Escobar was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**ORDINANCE 15933**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY OF EL PASO TO PARTICIPATE IN THE TEXAS ENTERPRISE ZONE PROGRAM UNDER THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE; PROVIDING TAX INCENTIVES; SUPPORTING APPLICATION OF WESTERN REFINING COMPANY, L.P. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK FOR DESIGNATION AS A QUALIFIED BUSINESS AND DOUBLE JUMBO PROJECT UNDER THE ACT; DESIGNATING A LIAISON FOR OVERSEEING ENTERPRISE PROJECTS AND COMMUNICATING WITH INTERESTED PARTIES.**

Representatives Cushing and Austin commented.

**1<sup>st</sup> Motion:**

Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to amend Section 4 of the Ordinance, as read into the record by Representative Cushing.

AYES: Representatives Austin, Cushing, Lozano, Cook, Escobar, Rojas, and Cobos  
NAYS: None

**2<sup>nd</sup> Motion:**

Motion made by Representative Cushing, seconded by Representative Austin to approve the Ordinance as amended.

There was no vote taken. Representative Austin withdrew her second.

The City Clerk called for public comment. There was no public comment.

Mr. David Dobson, Director of Economic Development, read into the record additional language to be included in the Ordinance.

**3<sup>rd</sup> Motion:**

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to approve the amended Ordinance with the revised language as read into the record by Mr. Dobson.

AYES: Representatives Austin, Cushing, Lozano, Cook, Escobar, Rojas, and Cobos  
NAYS: None

**4<sup>th</sup> and Final Motion:**

Motion duly made by Representative Cushing, seconded by Representative Cobos, that the Ordinance be adopted as **amended**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

The City Clerk called for public comment. There was no public comment.

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted as **amended**.

.....  
\*Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to postpone one (1) week the discussion and action on a Resolution approving Detailed Site Development Plan No. ZON04-00107, for Tract 17 G, Block 36, Ysleta Grant, El Paso, El Paso County, Texas (8613 Alameda Street), pursuant to zoning conditions as imposed by Ordinance No. 010372. The Penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Mario Betancourt.  
.....

**ORDINANCE 15934**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO THE SUN BOWL ASSOCIATION AUTHORIZING THE ENCROACHMENT OF FORTY-TWO TEMPORARY STREET DISPLAYS ON CITY FIXTURES AND UTILITY POLES ON PORTIONS OF MONTANA AVENUE BETWEEN COPIA STREET AND CAMPBELL STREET DESIGNATED AS THE OFFICIAL SUN BOWL PARADE ROUTE AND TO PLACE THE PARADE LOGO ONTO THE ROADWAY ON MONTANA AVENUE BETWEEN ANGE STREET AND VIRGINIA STREET.**

Mayor Joe Wardy and Representatives Cobos, Cook and Austin commented.

Mr. Rudy Valdez, Chief Urban Planner, Mr. Matt Watson, Assistant City Attorney, Ms. Lisa A. Elizondo, City Attorney, Ms. Joyce Wilson, City Manager, commented.

Mr. Bernie Olivas, Sun Bowl Association representative, commented.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cook, seconded by Representative Rojas, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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## ORDINANCE 15935

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF AN EASEMENT RETAINED BY ORDINANCE 8312 WHICH VACATED WILLIAMS STREET BETWEEN BLOCKS 53 & 54, COTTON ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Mr. Rudy Valdez, Chief Urban Planner, commented.

Representative Cobos commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:57 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A. *Asarco v. TCEQ*, In the 261st District Court, Travis County, Texas; Cause No. GN401709 (551.071)
- B. ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR (551.071)
- C. *Roberto Soriano and Luz Soriano, Individually and as the Parents of Victor Soriano and Robert Soriano v. the City of Paso*, Cause No. 2002-5590 in the 168th District Court (551.071)
- D. *Luis L. Maldonado vs. The City of El Paso, et al*, Cause No. EP-04-CA-0043PRM in the United States District Court for the Western District of Texas. (551.071)

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to adjourn the Executive Session at 12:14 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows.

Representative Austin was not present for the vote.

.....

No action was taken on the discussion and action on the following executive session item:

*Asarco v. TCEQ*, In the 261st District Court, Travis County, Texas; Cause No. GN401709 (551.071)

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City Attorney be authorized to negotiate and sign a retention agreement with outside council for representation of the city in the case of ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR; further moved, seconded and carried that the City's outside counsel be authorized to appear in the foregoing cause and seek the results sought by and as directed by City Council.


.....  
Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the City Attorney be authorized to negotiate and sign a retention agreement with outside counsel for the representation of the City in lawsuit styled *Roberto Soriano and Luz Soriano, Individually and as Parents of Victor Soriano and Robert Soriano v. the City of El Paso*, Cause No. 2002-5590 in the 168th District Court.

.....  
No action was taken on the discussion and action of the following executive session item:

*Luis L. Maldonado vs. The City of El Paso, et al*, Cause No. EP-04-CA-0043PRM in the United States District Court for the Western District of Texas. (551.071)

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to adjourn this meeting at 12:22 p.m.

APPROVED AS TO CONTENT:

  
Richarda Duffy Momsen, City Clerk